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10 Attorneys for Defendant
11 AT&T UMBRELLA BENEFIT PLAN NO. 1

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 LOUIS J. VELA,

15 Plaintiff,

16 v.

17 AT&T UMBRELLA BENEFIT PLAN NO. 1

18 Defendant.
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Case No.: CV 08 1575 MMC

**STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING CASE DEADLINES**

Complaint filed: March 21, 2008
First Am. Complaint Filed: May 14, 2008
Second Am. Cmplt Filed: Oct. 10, 2008

1 WHEREAS, on February 17, 2009, the Court ordered the filing of briefs in
2 support of the Parties' Cross-Motions for Summary Judgment in this ERISA action, including
3 an order that Plaintiff Louis J. Vela ("Plaintiff") file and serve his brief in opposition to
4 Defendant's Motion for Summary Judgment and Reply in support of Plaintiff's Motion for
5 Summary Judgment by April 17, 2009, and an order that Defendant AT&T UMBRELLA
6 BENEFIT PLAN NO. 1 (hereinafter "Defendant") file and serve its Reply brief in support of
7 Defendant's Motion for Summary Judgment by May 8, 2009;

8
9 WHEREAS, the Parties have not previously sought to continue or extend any
10 of the filing deadlines in this ERISA action related to the filing of the parties' Cross-Motions
11 for Summary Judgment;

12
13 WHEREAS, Defendant, through its counsel requests a one-week extension for
14 filing its Reply in Support of Motion for Summary Judgment in this ERISA action because
15 Defendant's counsel has conflicting deadlines in other cases including two depositions, and
16 Plaintiff, through his counsel agreed to this request;

17
18 WHEREAS the Parties' trust the Court would schedule a corresponding
19 extension of the scheduled May 22, 2009 hearing date on the Parties' respective Cross-
20 Motions for Summary Judgment;

21
22 NOW, THEREFORE,

23 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and
24 Defendant, by and through their respective undersigned attorneys of record, to continue
25 Defendant's last day to file and serve Defendant's Reply brief in support of Defendant's
26 Motion for Summary Judgment, as well as the hearing on the parties' Cross-Motions for
27 Summary Judgment, as follows:
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April 17, 2009

Last day for Plaintiff to file and serve Opposition to Defendant's Motion for Summary Judgment and Reply brief in support of Plaintiff's Motion for Summary Judgment. (UNCHANGED).

May 15, 2009

Last day for Defendant to file and serve Reply brief in support of Defendant's Motion for Summary Judgment.

May 29, 2009
9:00 a.m.

Hearing on the parties' Cross-Motions for Summary Judgment.

Good cause exists for the continuance of the existing filing deadline for Defendant's Reply brief, and the hearing on the Parties' pending Cross-Motions for Summary Judgment, as set forth above.

IT IS SO STIPULATED.

Dated: April 16, 2009

GOLDSTEIN, GELLMAN, MELBOSTAD,
GIBSON & HARRIS

By: /S/
Lee S. Harris
Attorneys for Plaintiff LOUIS J. VELA

Dated: April 16, 2009

MILLER LAW GROUP
A Professional Corporation

By: /S/
Katherine L. Kettler
Attorneys for Defendant AT&T
UMBRELLA BENEFIT PLAN NO. 1

ORDER

Having reviewed the Stipulation executed by Plaintiff LOUIS J. VELA and Defendant AT&T UMBRELLA BENEFIT PLAN NO. 1, and good cause appearing, the Court hereby orders that the May 22, 2009 hearing on the parties' Cross-Motions for Summary Judgment, and date for Defendant to file its Reply brief in support of Defendant's Cross-Motion for Summary Judgment are VACATED, and are rescheduled pursuant to the schedule set forth below.

April 17, 2009

Last day for Plaintiff to file and serve Opposition to Defendant's Motion for Summary Judgment and Reply brief in support of Plaintiff's Motion for Summary Judgment. (UNCHANGED).

May 15 _____, 2009

Last day for Defendant to file and serve Defendant's Reply brief in support of Defendant's Motion for Summary Judgment.

May 29 _____, 2009
9:00 a.m.

Hearing on the parties' Motions for Summary Judgment.

IT IS SO ORDERED.

Dated: April 17, 2009 _____


The Honorable Maxine M. Chesney
United States District Judge